

U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED FIFTEENTH CONGRESS

335 CANNON HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

<http://veterans.house.gov>

October 9, 2018

The Honorable Robert Wilkie
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dear Secretary Wilkie:

I am writing in response to your letter dated September 14, 2018 and delivered electronically September 28, nearly a month past its August 31 deadline.

Your letter fails to satisfy my request for documents and information regarding the sweeping influence of Mr. Ike Perlmutter, Dr. Bruce Moskowitz, and Mr. Marc Sherman over policy and personnel decisions made by the Department of Veterans Affairs during the Trump Presidency. Your letter references litigation over Federal Advisory Committee Act (FACA) violations as the reason for refusing to comply with my request. The Department's involvement in litigation, relevant or not to a request for information from Congress, does not exempt it from complying with a Congressional request.

My request was made on August 8, 2018, eight days before the Plaintiff in the FACA litigation you reference filed its complaint in Federal court.¹ The Department cannot hide behind litigation that commenced over a week after the request was made as an excuse to ignore an inquiry from Congress.

Furthermore, your letter reads as a transparent attempt to stonewall not only a Member of Congress but also the American public on a matter of significant importance to our nation's veterans. Be assured, this issue will remain a top concern of the Committee until all our questions have been answered.

¹ VoteVets Action Fund v. Wilkie, No. 18-cv-1925 (D.D.C. filed Aug. 16, 2018).

Due to your failure to address my original request, I ask again that you provide the documents and information requested in my August 8, 2018 letter to the Committee no later than 5:00 p.m. on October 31, 2018.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Walz", is written in a cursive style.

TIM WALZ
RANKING MEMBER

Enclosure:

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August 8, 2018

The Honorable Robert Wilkie
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dear Secretary Wilkie,

We look forward to working with you to improve the delivery of health care and benefits to our nation's veterans.

However, we are deeply concerned that three private individuals—all members of Mar-a-Lago, President Trump's private Palm Beach, Florida club—who are not accountable to veterans or taxpayers and none of whom have served in the United States military or government, have been placed in decision-making positions in the Department without nomination by the President or Senate confirmation. Reports demonstrate they have been granted the power to significantly influence policies executed by the Department.

Mr. Ike Perlmutter, Chairman and Chief Executive Officer of Marvel Entertainment, LLC., Dr. Bruce Moskowitz, an Internal Medicine specialist, and Mr. Marc Sherman, an attorney without health care industry experience, are reported to have “spoke[n] with VA officials daily” and reviewed “all manner of policy and personnel decisions,” made at VA, according to a recent report published by ProPublica.¹ They reportedly “prodded the VA to start new programs” and required VA leaders to “...go down and kiss the ring,” with that travel paid for by taxpayers. They allegedly caused VA leaders who disagreed with them to lose their jobs or be passed over for promotions, and reportedly flouted government rules and processes in place to require transparency and accountability.

Some of their actions even support allegations that they may have used their influence for personal gain. Mr. Perlmutter arranged a VA Veterans Day event at the New York Stock Exchange—in which former VA Secretary Shulkin and other VA officials participated—where Marvel Entertainment was promoted. Dr. Moskowitz arranged meetings with VA officials and

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Apple to promote his son's app, and arranged weekly conference calls to arrange for VA to continue the work of his non-profit.

These individuals claim they have "no direct influence over the Department of Veterans Affairs." However, reports and actions taken by these individuals and VA leaders appear to contradict this statement. Therefore, we are opening an investigation into the extent of Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman's influence over VA officials and the Department.

We request unredacted copies of any and all documents, records, memoranda, and correspondence to include electronic correspondence via email and text messages shared with or between any current or former VA employees (including former VA Secretary David Shulkin and the former acting VA Secretary Peter O'Rourke) and Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman.

We request unredacted copies of any and all documents, records, memoranda, and correspondence to include electronic correspondence via email and text message in which Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman, are mentioned or referenced, by current or former VA employees.

We also request copies of any and all records, notes, or minutes of meetings or conference calls in which Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman participated with VA employees, including any and all meetings with Apple Inc. and Mr. Aaron Moskowitz on the development of an app for locating medical services, and any and all meetings between Dr. Moskowitz, his relatives, and VA officials on development of a medical device registry or organization of the June 4, 2018 summit on device registries.

Please provide all unredacted correspondence, including an unredacted copy of the VA ethics official's opinion approving or disapproving former Secretary Shulkin's participation in the November 7, 2017 event presented by Marvel Entertainment LLC., in which former VA Secretary Shulkin rang the opening bell at the New York Stock Exchange.

Please provide all unredacted documents, records, memoranda, and correspondence to include electronic correspondence via email and text messages related to any current or former VA employee travel to Mar-a-Lago in Palm Beach, Florida. For each current and former VA employee who participated in official travel to Mar-a-Lago, please provide records of the date in which the travel took place; the reason for the visit and all correspondence to include electronic correspondence via email and text messages related to the reason for the visit; the documents, records, and correspondence pertaining to approval of the trip by VA ethics officials, VA Office of General Counsel, or the Office of the Secretary; and the total cost of each trip to the Government.

We also request copies of any and all documents, records, memoranda, and correspondence with or between Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman and current and former VA employees that have been provided to individuals and organizations via Freedom of Information Act request.

Please provide the Committee with the documents, materials, and lists of attendees by the close of business Friday, August 31, 2018. Provide the documents in electronic, soft-copy format. Do not alter the documents in any way, including but not limited to applications of redactions or a water mark. Only relevant documents and tangible things should be provided as part of the submission. Also provide the contact information for the individual(s) responsible for assembling the submission. This/These individual(s) shall certify and attest to the accuracy of the submission.

The deliverables opened by this request will not be closed until the Committee is sufficiently satisfied with the responses provided, including whether the formatting instructions have been adhered to. The Committee reserves the right to, at its discretion, order an alternative organization of the submission. The Department has a continuing duty to supplement the record by providing relevant documents and tangible things to the Committee until the matter is closed.

If you have any questions, please contact Grace Rodden, Minority Staff Director of the Subcommittee on Oversight and Investigation, at grace.rodgen@mail.house.gov or at (202) 225-9756. We look forward to your response.

Sincerely,



TIM WALZ

Ranking Member
Committee on Veterans' Affairs
U.S. House of Representatives



THE SECRETARY OF VETERANS AFFAIRS
WASHINGTON

September 14, 2018

The Honorable Tim Walz
Ranking Member
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Walz:

This is in response to your August 8, 2018, letter to the Department of Veterans Affairs (VA). I want to assure you that VA takes very seriously its responsibilities to comply with the law and its obligation to respond appropriately to Congressional requests for information. The matters about which you inquired in your letter are the subject of ongoing litigation alleging violations of the Federal Advisory Committee Act and, therefore, not appropriate for release at this time.

We greatly appreciate your interest in VA and your continued support for Veterans' programs.

Sincerely,

A handwritten signature in cursive script, reading "Robert L. Wilkie", is positioned above the printed name.

Robert L. Wilkie

U.S. House of Representatives

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September 25, 2018

The Honorable Robert Wilkie
Secretary
U.S. Department of Veterans Affairs
810 Vermont Avenue N.W.
Washington, D.C. 20420

Dear Secretary Wilkie:

On August 6, 2018, I wrote to you requesting information and documents regarding the influence of Mr. Ike Perlmutter, Dr. Bruce Moskowitz, and Mr. Marc Sherman over policy and personnel decisions made by the Department of Veterans Affairs. We requested you provide these documents and information no later than Friday, August 31, 2018. Your Department has not complied with my request, nor made any attempt to provide a schedule for the production of documents. A copy of the August 6 letter requesting the documents and information is attached for your convenience.

Thank you in advance for providing these documents and information to the Committee no later than 5:00 p.m. on October 5, 2018.

Sincerely,



TIM WALZ
RANKING MEMBER

Enclosure:

U.S. House of Representatives

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August 8, 2018

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Secretary
U.S. Department of Veterans Affairs
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Mr. Ike Perlmutter, Chairman and Chief Executive Officer of Marvel Entertainment, LLC., Dr. Bruce Moskowitz, an Internal Medicine specialist, and Mr. Marc Sherman, an attorney without health care industry experience, are reported to have "spoke[n] with VA officials daily" and reviewed "all manner of policy and personnel decisions," made at VA, according to a recent report published by ProPublica.¹ They reportedly "prodded the VA to start new programs" and required VA leaders to "...go down and kiss the ring," with that travel paid for by taxpayers. They allegedly caused VA leaders who disagreed with them to lose their jobs or be passed over for promotions, and reportedly flouted government rules and processes in place to require transparency and accountability.

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TIM WALZ

Ranking Member
Committee on Veterans' Affairs
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